

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

VICTOR DUNN, *et al.*,

Plaintiffs,

vs.

ENDOSCOPY CENTER OF SOUTHERN  
 NEVADA, LLC, *et al.*,

Defendants.

Case No. 2:11-cv-00560-RLH-PAL

**ORDER**

(Mot Ex Parte Relief - Dkt. #2)

Before the court is product Defendants' Ex Parte Motion for Relief from 28 U.S.C. § 1446(a), or in the Alternative, Relief from Electronic Filing Requirements (Dkt. #2) filed April 13, 2011. No response to the motion has been filed; however, there is no proof of service indicating it was served on the parties by electronic or other means.


The moving "Product Defendants" removed this action from state court April 13, 2011, and seek an order relieving them of their obligations under 28 U.S.C. § 1446(a) to file a copy of all process, pleadings, and orders served upon the Defendants electronically in accordance with the court's Special Order 109 in the court's CM/ECF system. Defendants assert that the action consists of 90 individual actions consolidated by Judge Scann in state court at that complying with 28 U.S.C. § 1446(a), and Special Order 109 would impose an undue burden because the materials are voluminous. Movants estimate that the materials consist of approximately 6,00 to 7,000 pages. The moving Defendants request an order that they need not comply with 28 U.S.C. § 1446(a), or in the alternative, that they submit copies of certain materials required by the statute "by electronic means other than CM/ECF" such as a DVD-ROM data disk, or in the alternative, that they be permitted to submit hard copies of materials.

Having reviewed and considered the matter, and having conferred with district judge, the

1 motion will be denied. When the court adopted the CM/ECF system, its special order provided that the  
2 electronic record is the only official record of the court. With certain exceptions not applicable here,  
3 the clerk's office no longer maintains paper files, and submission of a DVD-ROM data disk will not  
4 include pleadings and papers required to be filed by 28 U.S.C. § 1446(a) as part of the official record in  
5 this case. Accordingly,

6 **IT IS ORDERED** the product Defendants' Motion (Dkt. #2) is **DENIED**, and Defendants shall  
7 comply with the requirements of 28 U.S.C. § 1446(a), and Special Order 109.

8 Dated this 25<sup>th</sup> day of May, 2011.

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11 Peggy A. Leen  
12 United States Magistrate Judge  
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